

City of Round Rock
Regular City Council Meeting
March 12, 2009

The Round Rock City Council met in Regular Session on Thursday, March 12, 2009, in the City Council Chamber, 221 E. Main Street.

CALL SESSION TO ORDER – 7:00 P.M.

Mayor McGraw called the work session to order at 7:04 p.m.

ROLL CALL: Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos T. Salinas, Councilmember Scott Rhode and Councilmember Kris Whitfield. Also present were City Manager Jim Nuse, Assistant Manager David Kautz, Assistant City Manager Cindy Demers, and City Attorney Steve Sheets.

PLEDGE OF ALLEGIANCE:

Mayor McGraw led the following Pledges of Allegiance:

3A. United States Flag

3B. Texas State Flag

CITIZEN COMMUNICATION

Mayor McGraw honored Ed Turner for his 28 years of business ownership in Round Rock. Mr. Turner has owned Turner's Furniture and he thanked the Council for their appreciation. Mr. Turner thanked the Council for their support. He stated that when the store finally closes all the merchandise left will be donated to the Round Rock Serving Center.

*8A. Consider approval of the City Council minutes for February 18, 2009 and February 26, 2009.

MOTION: Councilmember Honeycutt moved to approve the minutes. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

PUBLIC HEARINGS:

6A1. Consider public testimony regarding an application filed by J.B. Goodwin Ltd to rezone 1.386 acres of land located at the Northeast corner of Paloma Drive and IH-35 Frontage Road from L1 (Light Industrial) zoning district to C-1a (General Commercial – Limited) zoning district.

Mayor McGraw opened the public hearing.

There being no testimony, the public hearing was closed.

6A2. Consider public testimony regarding community needs for the development of the 2009-2013 Five Year Consolidated Plan and 2009-2010 Community Development Annual Action Plan.

Mayor McGraw opened the public hearing.

There being no testimony, the public hearing was closed.

ORDINANCES:

7A1. Consider an ordinance changing the methodology of calculating the winter wastewater averages for the current year. (First Reading) Cindy Demers, Assistant City Manager made the staff presentation.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE METHODOLOGY FOR DETERMINING THE AMOUNT OF WASTEWATER SERVICE USED FOR BILLING PURPOSES FROM MARCH 13, 2009 UNTIL THE AMOUNT OF WASTEWATER SERVICE USED IS RE-DETERMINED IN ACCORDANCE WITH CHAPTER 10, SECTION 10.202(1)(C), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Rhode moved to approve the ordinance. Mayor Pro-Tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

ACTION: The motion carried unanimously.

MOTION: Councilmember Salinas moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember White seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Whitfield
 Mayor Pro-Tem Clifford
 Mayor McGraw
 Nays: None

ACTION: The motion carried unanimously.

7C1. Consider an ordinance amending Chapter 9, Section 9.1816(24) and adding Section 9.1821, Code of Ordinances, regarding stopping, standing or parking of vehicles on Lamar Boulevard and near certain fire stations. (First Reading)(Requires Two Readings) Tom Word, Chief of Public Works made the staff presentation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1816(24), AND ADDING SECTION 9.1821, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING STOPPING, STANDING, OR PARKING OF VEHICLES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Whitfield moved to approve the ordinance. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Whitfield
 Mayor Pro-Tem Clifford
 Mayor McGraw
 Nays: None

ACTION: The motion carried unanimously.

7C2. Consider an ordinance amending Chapter 9, Section 9.502, Code of Ordinances, establishing a 50-mph speed zone on a portion of F.M. 1325. (First Reading)(Requires Two Readings) Tom Word, Chief of Public Works made the staff presentation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1816(24), AND ADDING SECTION 9.1821, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING STOPPING,

8B1. Consider a resolution authorizing the Mayor to execute a Grant Agreement to
accept award of \$392,000 from the U.S. Department of Housing and Urban Development for

infrastructure and sidewalk improvements on Main Street. Tom Word, Chief of Public Works made the staff presentation.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock submitted a grant application to the U.S. Department of Housing and Urban Development (“HUD”) for Main Street improvements, and said application has been approved by HUD, and

WHEREAS, the City Council wishes to accept the grant funds in the amount of \$392,000 to be used for the Infrastructure and Sidewalk Improvements on Main Street Project, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Grant Agreement with the U. S. Department of Housing and Urban Development, a copy of same being attached hereto as Exhibit “A” and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of March, 2009.

MOTION: Councilmember Salinas moved to approve the resolution. Mayor Pro-Tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

8C1. Consider a resolution authorizing the Mayor to execute a Supplemental Agreement No. 1 with Master Meter, Inc. for purchase of cold water meters. Tom Word, Chief of Public Works made the staff presentation.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Purchase of Cold Water Meters (“Agreement”) from Master Meter, Inc., and

WHEREAS, Master Meter, Inc. has submitted Supplemental Agreement No. 1 to the Agreement to provide for extension by renewal, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with Master Meter, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Agreement for Purchase of Cold Water Meters from Master Meter, Inc., a copy of same being attached hereto as Exhibit “A” and incorporated

herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of March, 2009.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

8D1. Consider a resolution authorizing the Mayor to execute a New Public Road Crossing Underpass Agreement with Union Pacific Railroad Company for the Arterial A project.

Tom Word, Chief of Public Works made the staff presentation.

RESOLUTION NO. _____

WHEREAS, in order to facilitate the construction of the proposed roadway improvements on Arterial A, it is necessary to remove existing at-grade private road crossing, DOT No. 439-684S, Mile Post 158.80 and construct a new grade separated underpass roadway, DOT No. 440-126V, Mile Post 158.83, and

WHEREAS, the Council wishes to enter into a New Public Road Crossing Underpass Agreement with Union Pacific Railroad Company, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a New Public Road Crossing Underpass Agreement with Union Pacific Railroad Company, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of March, 2009.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode
--------------	-------	--

Councilmember Whitfield
Mayor Pro-Tem Clifford
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

8D2. Consider a resolution authorizing the Mayor to execute an Easement to Conduits

Contained Within a Duct Bank with TW Telecom of Texas LLC for the Southwest Area

Downtown Infrastructure Project. Tom Word, Chief of Public Works made the staff presentation.

RESOLUTION NO. _____

WHEREAS, in connection with the Southwest Area Downtown Infrastructure Project, Parcels 1 through 26, an easement is required from TW Telecom of Texas LLC (“TW”)for the installation of a duct bank facility composed of concrete surrounding conduit pipes constructed for the purpose of installing wire and fiber optic cable, and

WHEREAS, the Council wishes to enter into an Easement to Conduits Contained within a Duct Bank with TW, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Easement to Conduits Contained Within a Duct Bank with TW Telecom of Texas LLC, a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of March, 2009.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember

Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Salinas
Councilmember Rhode
Councilmember Whitfield
Mayor Pro-Tem Clifford
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

8D3. Consider a resolution authorizing the Mayor to execute a Contract with Austin

Traffic Signal Construction Co., LP for the construction of traffic signals on University Boulevard

at A.W. Grimes Boulevard and University Boulevard at Seton Parkway. Tom Word, Chief of

Public Works made the staff presentation.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the construction of traffic signals on University Boulevard at A.W. Grimes Boulevard and University Boulevard at Seton Parkway, and

WHEREAS, while only one bid was received from Austin Traffic Signal Construction Co., LP, the City Council has determined that the bid is acceptable, and

WHEREAS, the City Council wishes to accept the bid of Austin Traffic Signal Construction Co., LP, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Austin Traffic Signal Construction Co., LP for the construction of traffic signals on University Boulevard at A.W. Grimes Boulevard and University Boulevard at Seton Parkway.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of March, 2009.

MOTION: Mayor Pro-Tem Clifford moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

8D4. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with Wilbur Smith Associates, Inc. for the Transportation Master Plan.

Tom Word, Chief of Public Works made the staff presentation.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain engineering services for the Transportation Master Plan - Update, and

WHEREAS, Wilbur Smith Associates, Inc. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with Wilbur Smith Associates, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with Wilbur Smith Associates, Inc. for the Transportation Master Plan - Update, a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Whitfield

Mayor Pro-Tem Clifford
Mayor McGraw

Nays: None

ACTION: The motion carried unanimously.

EXECUTIVE SESSION:

10A1. Consider Executive Session as authorized by §551.072 Government Code, related to the purchase of real property to wit: the Regional Wastewater System owned by the Lower Colorado River Authority.

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 8:28 p.m. and adjourned at 8:52 p.m.

10A2. Consider Executive Session as authorized by §551.087 Government Code, to deliberate the offer of a financial or other incentive to a business prospect engaged in the electric power grid management business to locate a facility in the City of Round Rock.

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 8:52 p.m. and adjourned at 9:40 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Sara L. White, City Secretary